HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

Writ Appeal No.374 of 2007

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Between:

Dr. NTR University of Health Sciences,
Vijayawada – 520 008, Andhra Pradesh,
represented by its Registrar. …Appellant

And

Ch. Murali and five others. ...Respondents

:: J U D G M E N T ::

Counsel for the appellants : Shri C.V. Mohan Reddy,
Senior Advocate assisted
by Shri D.V. Nagarjuna Babu

Counsel for respondent Nos.1 and 2: Shri G. Vidyasagar

1st May, 2007

Per G.S. SINGHVI, CJ

This appeal is directed against order dated 26-4-2007 passed by the learned Single Judge in WPMP. No.9653 of 2007 in Writ Petition No.7531 of 2007, whereby he directed the non-petitioners in the writ petition including the appellant – University to review the

admissions made against nine seats of M.D (General Medicine) in Osmania Medical College, Koti and ensure that 85% of the seats are filled among the local candidates in terms of paragraph 5 of the Andhra Pradesh Educational Institutions (Regulation of Admissions) Order, 1974 and in the light of the judgments of this Court in **A. Rajakaran Reddy v. N.T.R. University of Health Sciences**[1] and **NTR University of Health Sciences v. Dr. A. Raj Karan Reddy**[2].

Shri C.V. Mohan Reddy, learned Senior Counsel appearing for the appellant invited our attention to order dated 2-12-2003 passed by the Hon'ble Supreme Court in Special Leave to Appeal (Civil) No. 21875 of 2003 and argued that in view of the order of status quo passed by the apex Court, the learned Single Judge could not have relied on the judgment of the Division Bench in **A. Rajakaran Reddy**'s case (supra) for granting interim relief to the writ petitioners. Learned Senior Counsel emphasised that even though the order of status quo was qua the parties, if the same is read in the context of the subject matter of the appeal, it must be presumed that the judgment of the Division Bench had been stayed in its entirety and the same cannot be made basis for regulating future admissions. Learned counsel submitted that if the order under challenge is sustained, a serious anomaly would arise inasmuch as those who are parties in the matter pending before the Supreme Court will not get relief of the judgment of the Division Bench, whereas the candidates of the subsequent batches like respondent Nos. 1 and 2 will be benefited by the same.

We have considered the submission of the learned counsel, but have not felt impressed. A careful reading of order dated 2-12-2003 passed by the Supreme Court in Petition for Special Leave to Appeal (C) No.21875 of 2003 shows that their Lordships had directed that status quo as obtaining between the parties with regard to the subject matter of dispute before the High Court shall be maintained.

This necessarily means that the Supreme Court did not consider it proper to stay the operation of the judgment of the Division Bench. Therefore, the learned Single Judge rightly directed the appellant and other parties, who are official non-petitioners in the writ petition to review the admissions in accordance with paragraph 5 of the Andhra Pradesh Educational Institutions (Regulation of Admissions) Order, 1974, and we do not see any valid ground or justification to interfere with the discretion exercised by the learned Single Judge.

With the above observations, the appeal is dismissed.

As a sequel to dismissal of the appeal, WAMP No. 709 of 2007 filed by the appellant for interim relief is disposed of as infructuous.

G.S.SINGHVI, CJ

1st May, 2007

C.V.NAGARJUNA REDDY, J

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[1] 2002 (2) ALD 290

[2] 2003 (6) ALD 128